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GRG Lift Truck Service Chicago North, Inc. and Automobile Mechanics Local No. 701, International Association of Machinists and Aerospace Workers, AFL-CIO. Case 13-CA-32807

February 15, 1996

SUPPLEMENTAL DECISION AND ORDER

BY CHAIRMAN GOULD AND MEMBERS BROWNING
AND COHEN

On February 17, 1995, the National Labor Relations Board issued a Decision and Order,¹ *inter alia*, ordering GRG Lift Truck Service Chicago North, Inc., the Respondent, to remit to Automobile Mechanics Local No. 701, International Association of Machinists and Aerospace Workers, AFL-CIO, the Union, any initiation fees and dues contributions that it had failed to deduct and/or remit to the Union since April 1994 in violation of the National Labor Relations Act. On July 25, 1995, the United States Court of Appeals for the Seventh Circuit entered its judgment enforcing the Board's Order.

A controversy having arisen over the amount due under the Board's Order as enforced, on November 8, 1995, the Regional Director for Region 13 issued a compliance specification alleging the amount due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent failed to file an answer.

By letter dated December 11, 1995, counsel for the General Counsel advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer was filed by December 18, 1995, summary judgment would be sought. The Respondent filed no answer.

On January 22, 1996, the General Counsel filed with the Board a motion to transfer proceedings to the Board and Motion for Summary Judgment, with exhibits attached. On January 24, 1996, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

¹ 316 NLRB No. 73 (not reported in Board volumes).

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on Motion for Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Summary Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause being shown for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the amount due the Union is as stated in the compliance specification and we will order payment by the Respondent of that amount to the Union, plus interest accrued on that amount to the date of payment.

ORDER

The National Labor Relations Board orders that the Respondent, GRG Lift Truck Service Chicago North, Inc., Elgin, Illinois, its officers, agents, successors, and assigns, shall remit to the Union the following amount, plus interest as prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987): \$2,192.50.

Dated, Washington, D.C. February 15, 1996

William B. Gould IV, Chairman

Margaret A. Browning, Member

Charles I. Cohen, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD